

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

JEAN ELIZABETH KAUFMAN,

Plaintiff,

v.

Civil Action No. 1:10-0071

OFFICER BAYNARD, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court are the United States' Motion to Dismiss (Doc. No. 54), Defendant Baynard's Motion to Dismiss (Doc. No. 56), and Defendants Nelson, Landen, Dupris, Lowe, Painter, and Engleman's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment (Doc. No. 66). By Standing Order, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(A) and (B). Magistrate Judge VanDervort submitted to the court his Findings and Recommendation on February 3, 2012, in which he recommended that the Defendants' motions to dismiss be granted. (Doc. No. 76).

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. The failure of any party to file such objections within the time allotted

constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).


No party filed any objections to the Magistrate Judge's Findings and Recommendations within the required time period. Accordingly, the court adopts the Findings and Recommendations of Magistrate Judge VanDervort and **ORDERS** as follows:

- 1) The United States' Motion to Dismiss (Doc. No. 54) is **GRANTED;**
- 2) Defendant Baynard's Motion to Dismiss (Doc. No. 56) is **GRANTED;**
- 3) Defendants Nelson, Landen, Dupris, Lowe, Painter, and Engleman's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment (Doc. No. 66) is **GRANTED;** and
- 4) This matter is to be removed from the court's active docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to all counsel of record.

IT IS SO ORDERED on this 12th day of March, 2012.

Enter:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge